

June 7, 2017



**Talbot County Planning Commission  
Final Decision Summary**

Wednesday, May 3, 2017 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

William Boicourt, Chairman  
John N. Fischer, Jr., Vice Chairman  
Michael Sullivan  
Paul Spies  
Phillip "Chip" Councill

Staff:

Mary Kay Verdery, Planning Officer  
Miguel Salinas, Assistant Planning Officer  
Elisa Deflaux, Environmental Planner  
Brennan Tarleton, Planner I  
Martin Sokolich, Senior Planner  
Mike Mertaugh, Assistant County Engineer  
Carole Sellman, Recording Secretary

**1. Call to Order**—Commissioner Boicourt called the meeting to order at 9:03 a.m.

**2. Decision Summary Review**—April 5, 2017—The Commission noted the following corrections to the draft decision summary:

- a. Line 366, delete the words "those with whom the representative worked and insert the words "the County", so that it reads: "Commissioner Fischer remarked that addressing those concerns was important to the community and to the County."
- b. Line 470, delete the words "were the recurring themes throughout the documents" and insert the words: "referred to the desire to maintain the rural scale and architectural character of the village."

**Commissioner Spies moved to approve the draft Planning Commission Decision Summary for April 5, 2017, as amended; Commissioner Sullivan seconded the motion. The motion carried unanimously.**

**3. Staff Matters**

- a. Update NextStep 190—Introduction of Environmental Resources Management (ERM) consultants: Ben Sussman and Jenifer Huff

Ms. Verdery welcomed Ben Sussman and Jenifer Huff, consultants from ERM who are helping with the updates of the Zoning Ordinance. Ms. Verdery explained that the scope of services and the scheduling have been modified slightly in recent months. We ended our contract with CodeWright and entered into a contract with ERM. The first task was the project initiation, which was completed by CodeWright through several public listening sessions. She stated they took the opportunity to have a court

55 reporter at those listening sessions. Initially, the County was not sure if the expense  
56 was necessary, but those transcripts became invaluable when the project was  
57 transferred to ERM. The first step was to share documents with ERM, and to make  
58 sure that the website was established and underway. The website will be updated  
59 soon. You can still view what is happening with the Code update at  
60 [www.NextStep190.com](http://www.NextStep190.com), and can submit comments in regard to the planning process  
61 and update to [TalbotNextStep190@gmail.com](mailto:TalbotNextStep190@gmail.com). Ms. Verdery stated that the second  
62 task is the annotated outline, which we are currently working on. ERM is working on  
63 a first cut of the staff draft, which outlines the layout and bigger picture topics. We  
64 anticipate we will be reviewing that document and producing our responses and  
65 comments to ERM through May. We hope to present the draft to the public at the end  
66 of June. We will be working on an executive summary in association with the draft  
67 which outlines the bigger pictures issues and topics. These documents will be  
68 presented to the public and to a joint Planning Commission and County Council work  
69 session.

70  
71 Ms. Verdery stated the third task is the staff draft, the document will be broken down  
72 into three different modules. The goal is for each module to be presented to staff and  
73 the public so that they can read each section and provide comments without having to  
74 read several hundred pages at one time. The hope is that this breakdown would allow  
75 for greater public input and comment. We will be going through the three modules  
76 from the end of July into August. We hope to present Module 1 and 2 by the end of  
77 September and continue working through Module 3, which is the graphics. We  
78 anticipate the next Code to include an increased number of charts and graphics to  
79 make it a little easier and more helpful. Module 3 should be presented sometime in  
80 November. The fourth task is testing. With this we would run through some scenarios  
81 to see if it all works. The testing phase is scheduled to go through December with a  
82 public presentation and forum in January. The goal is to have a final document to the  
83 Planning Commission, with public hearing in January, and recommendation to  
84 County Council in February.

85  
86 ERM wrote the current version of Chapter 190, they have been involved in past  
87 Comprehensive Plans and are very familiar with Talbot County. They understand our  
88 aggressive time schedule and are willing to work with us.

89  
90 Commissioner Boicourt welcomed the ERM consultants and asked that they  
91 introduce themselves.

92  
93 Jenifer Huff, Planning Consultant with ERM. She stated she was fortunate enough to  
94 work with Talbot County a dozen years ago on the Code. She welcomes the  
95 opportunity to work with the critiques on the revision. Ben Sussman, Project  
96 Manager, stated it is a pleasure to be before the Commission. He worked on the water  
97 resources element of the past Comprehensive Plan. He stated it is a pleasure and an  
98 honor to be before the County again.

Ms. Verdery stated Ben and Jenifer are at this meeting to meet the Planning Commission and a representative from the Public Works Advisory Board. After the meeting they are going to visit the villages so they will have firsthand knowledge of the issues we express.

Commissioner Fischer wanted to make sure that it is understood that this is an update not a rewrite. He wanted to ensure they had reviewed the public sessions from the previous contractor and have gathered that we are still interested in smart growth here. It is very important to the people in this County, we are not interested in sprawl. We have over 4,000 acres of designated growth area in the Town of Easton. We are not interested in strip malls and retail development in the County. Mr. Fischer referred to the Scope of Services document, page A-4 under paragraph 3.D., the statement is: "Within two weeks after delivery of the public review draft of module 3, the contractor will return to Talbot County for one day to present these two modules to the Planning Commission (or other group, as appropriate)." He asked if that should be "and" other group as appropriate. Ms. Verdery agreed it should.

Commissioner Fischer then referred to page A-5, Section 4.A. Site Selection, there is a statement: "Potential sites could include a new mixed-use development, a residential development prepared in accordance with design incentives, a conservation subdivision, a stand-alone retail site, or a retrofitted commercial or industrial center." Later on this section talks about modified zoning districts. These statements touch on Commissioner Fischer's concerns about sprawl in the County. Ms. Verdery stated that there is definitely an understanding that the recently adopted 2016 Comprehensive Plan is the guiding document moving forward, but we also need to recognize that we have the Village Center zoning, which applies to all of our villages, even though we recognize the villages are very different from one another. We are proposing to implement three new village zoning districts: the village residential, the village hamlet and the village mixed use, which is more characteristic of some of the larger villages like Tilghman. That is where the mixed use development comes in, trying to incorporate a third village district so we don't have to pick and choose who remains in VC and who does not. We are going to characterize, define, and set out new development parameters for three village types to see how each of the villages we have fit within those. We will have a meeting with each of the communities and work with them to find which Zoning best fits their community character. Commissioner Fischer stated we expect to be aided in Tilghman and Bellevue by the master plans being developed now.

Commissioner Fischer asked for an explanation of a conservation subdivision. Ms. Verdery stated that this is a concept from the previous consultants. It focuses on allowing density to be allocated to certain areas while reserving land for a garden area and environmental features on the property. The Ordinance incentivizes subdivisions that have a focus on preservation and conservation of agricultural lands, open space, environmental features, etc.

Commissioner Sullivan asked if the consultants can foresee the possibility of having several of these issues occur in the County. Mr. Sussman stated if an opportunity like that came up it would be good to work in the real world on a real site, but they do not want to be perceived as planning someone's site or submitting a proposal on someone else's behalf.

Commissioner Sullivan asked if there were only two real life sites, will the consultants test two others also. Mr. Sussman stated they would.

Commissioner Fischer stated under Section 4.B. Diagram Preparation: "Within three weeks of identification of the sites or site features to be tested, the contractor will prepare a series of digital draft site layout diagrams in accordance with the draft regulations." He said that the Scope of Service further stated in Section 4.B.: "members of the development community could be enlisted to prepare the diagrams." Commissioner Fischer remarked that this is an interesting statement because we are certainly trying to simplify the goals and make it easier for the developers to understand what the requirements are, but that is only one constituency for these diagrams, it should include more than just the development community.

Commissioner Fischer stated he looks forward to working with ERM. The County, the Commission, the County Council and County citizens have worked since 1952 to zone this County in a way that preserves our open space and our farmland.

Mr. Sussman stated that he and Jenifer understand the desire to preserve open space through their first hand experience in Talbot County. He hopes that their Scope document is interpreted to be supportive of exactly what Commissioner Fischer said. Any testing of different options or ideas will be in locations and situations that are supportive of that ideal. There is no misinterpretation of the message, it is loud and clear.

Commissioner Boicourt asked for other comments.

Commissioner Councill stated that the report was excellent and that the County Zoning Office has done a great job in realizing the needs and changes of agriculture. Some uses of agriculture are not compatible with commercial and industrial zones. They have done a great job with realizing specialty agriculture, not every farmer is a 1,000 acre grain farm. One of his concerns, looking at the village map, is the feasibility of the village configuration and connectivity in the village fields. We need to come up with something to creatively resolve this issue.

#### **4. Old Business**

- a. Administrative Variance—RDC Harbourtowne LLC #A233—9784 Martingham Circle, St. Michaels, MD 21662 (map 16, parcel 16; Zone: RR)

**Project postponed to June at request of applicant.**

191  
192 b. Working Waterfront Master Plan for Bellevue  
193

194 Mr. Salinas presented the Bellevue Village Master Plan, which is one of two  
195 master plans that the Department of Planning and Zoning is working on with  
196 Lardner/Klein Landscape Associates. We are able to prepare these two master  
197 plans thanks to funding from the Maryland Department of Natural Resources  
198 through their Working Waterfront Enhancement Grant Program. That program is  
199 for the protection and revitalization of our working waterfronts and water oriented  
200 villages, the retention of maritime businesses, and the maintenance of public  
201 access to those working waterfronts. Bellevue is a unique village. Bellevue has a  
202 population composed of about 62% African American, compared to Talbot  
203 County as a whole whose population is a little under 13% African American. At  
204 the turn of the Century Valiant Seafood began production and the company built  
205 homes for the seafood and packing company workers. On the other side of the  
206 peninsula on Tar Creek, W. A. Turner and Sons was started in 1945 or 1946.  
207 W. A. Turner and Sons was one of only two African American owned seafood  
208 businesses on the Eastern Shore. Historic Bellevue is defined by the age of the  
209 structures, the size of the lots (from 0.2 to 0.7 acres), and the architectural  
210 features. The homes were built primarily between 1960 and 1990. A lot of the  
211 strategies in this village master plan are based on those village characteristics.  
212 Another major part of the village master plan is Bellevue landing, which is  
213 managed by Talbot County's Department of Parks and Recreation. Current  
214 improvements include twelve parking spaces for boat trailers, thirty-one parking  
215 spaces for cars, a basketball court, picnic shelter, playground, portable toilets,  
216 twenty-five boat slips and, of course, the Oxford-Bellevue ferry.  
217

218 Mr. Salinas stated the master plan was built with the participation of Bellevue  
219 residents through multiple public meetings. Through those meetings a Vision  
220 Statement that express what the citizens want and value for a peaceful community  
221 was produced. The recommendations from these meetings relate to land use,  
222 community character, recreation, public access, and transportation. Residents  
223 strongly expressed their wish to maintain the characteristics of existing homes in  
224 Historic Bellevue, as well as the traditional lot pattern established by the 1901  
225 survey plat. The fear arises from the fact that Bellevue is classified as a limited  
226 development area under the critical regulations, which could allow for lot  
227 consolidation in order to build bigger homes. Larger lots and homes would be out  
228 of character with Historic Bellevue. One of the suggestions in the Master Plan is  
229 to create a Village Overlay District in the historic area. We could develop the  
230 overlay in a way that ensures that the homes that are built are compatible with  
231 surrounding homes.  
232

233 Commissioner Boicourt asked when the overlay would be formulated, if it would  
234 be after the village type would be determined? Mr. Salinas confirmed that this  
235 would occur in the upcoming implementation phase.  
236

237 Mr. Salinas stated that there is also an option to extend that overlay into the  
238 peninsula to ensure view sheds along the waterfront. The owners of the Bellevue  
239 Gardens stated that they do not want the overlay to extend to their lands and they  
240 do not want the County to tell them how their homes should be designed. Mr.  
241 Salinas does not feel it is so much about architectural compatibility, but more  
242 about site design and view shed.  
243

244 Two goals of the Master Plan are to repair and maintain the bulkhead and the  
245 water assets that exist on Tar Creek to ensure there is complete access for working  
246 waterfront watermen. Currently, there is a waiting list for boat slips at the landing.  
247 There was a discussion about dredging Tar Creek for working watermen. Goal 3  
248 addresses concerns about parking on Bellevue Road when the parking lot  
249 overflows. Speeding on Bellevue Road is also a concern during peak season.  
250 Strategies to address these concerns include a walking path along Bellevue Road,  
251 mostly in the right of way, but contingent upon property owners; better parking  
252 enforcement; expansion of the trailer parking; improved vehicular flow in the  
253 parking lot and bollards to control the entrance of vehicles into the parking area.  
254

255 Bellevue has challenges similar to other desirable villages. Citizens are concerned  
256 that people will forget the historic seafood maritime industry. Interpretive signs in  
257 the park could help educate people about the history of the village. A permanent  
258 structure is needed to house the portable toilets, this would help with odor and  
259 protect from flooding, similar to what was done in Oxford Park. In the  
260 transportation section we need to take a look at traffic at Bellevue landing. There  
261 are additional things which could be done like rumble strips, gateway signage,  
262 pavement markings, and tree plantings.  
263

264 Mr. Salinas stated that it has been a pleasure to be introduced to Bellevue and its  
265 citizens. At this time we would like to recommend the Staff forward the final draft  
266 of the Master Plan to the County Council.  
267

268 Commissioner Fischer addressed page 28 of the plan and noticed there is a  
269 potential expansion of the parking area. It is dangerous to walk on the road and  
270 drive on the road, the expansion onto the Ripple property is an important change  
271 to be looked forward to. There was an agreement to consider that by the Ripple  
272 family. Also the density of that property could be substantial and the Ripple  
273 family was willing to make some adjustments to make that more palatable for the  
274 rest of the community. We appreciate the willingness of the Ripple family to work  
275 with the citizens of Bellevue.  
276

277 Commissioner Spies asked if at end of the Comprehensive Plan the Master Plans,  
278 are going to be part of the Comprehensive Plan, an appendix or reference  
279 documents? Ms. Verdery stated they will be separate standalone documents which  
280 become a reference. The Commission will have to find the project consistent with  
281 both the master plans and the Comprehensive Plan. The Master Plans become the  
282 guiding document for the villages.

Commissioner Boicourt asked for public comment.

Vince Payne, a member of the Ripple Family and part of Bellevue citizens advisory committee, stated the Ripple family's biggest contention is that they are working within the confines of village center zoning and the restrictions of lot coverage. Option B requiring an Overlay District would really encumber what they are trying to do on their property. He said they have had a long commitment working with the community and would like to continue that.

Commissioner Boicourt asked Mr. Salinas to review the options. Mr. Salinas referred to page 21 of the draft plan. Strategy 1.1, Option A talks about a Village Overlay District that would address issues of infill development to minimize lot consolidation, limit tear down of existing homes and reconstruction of new homes that are not consistent with the existing and desired character of this historic portion of Bellevue. Strategy 1.2 on page 22, discusses Option B, which would extend that proposed Overlay District to the remaining parts of the village with different objectives: (1) retain view or view corridors to the water from public streets; and (2) maximize the compatibility of new residential structures as viewed from public streets and adjoining private properties, as well as from the Tred Avon River. It talks about simple guidelines that would encourage landowners to achieve their goals of maximizing water views without creating a wall effect along the shoreline.

Commissioner Boicourt stated he understands Mr. Payne's perspective and is sympathetic, but support guidelines that would keep the character of the community village.

Commissioner Fischer asked if this document goes forward with two options, what would be the next step in deciding.

Ms. Verdery stated it depends on what comes first. If they want to move forward with development, the master plan is a guiding document. We will use the master plan as a guiding document to create an implementation plan that involves community input and support.

Commissioner Spies stated if this plan is one step below the Comprehensive Plan he is not comfortable with the two options. The two options are completely different. In his opinion, he feels this is a pretty strong powerful document, but he is not comfortable with the differences between Option A and Option B.

Clint Wadsworth of Royal Oak appeared before the Commission and expressed his concerns about land he owns. Does this implementation strategy mean that the master plan moratorium will continue on?

Commissioner Boicourt stated this funding came along for the waterfront so these two were the first low hanging fruit in the process.

Ms. Verdery stated there is no moratorium in any village. There is a requirement under the Comprehensive Plan that no village planning area can apply for major development or residential development without a master plan. These first documents that are created are setting the pace for where we go from here. Defining an opportunity to create a Village Overlay District for an entire village or for portions of a village is what we need to consider in moving forward. The language we create in the Zoning Ordinance is going to have an effect on how and where we apply the overlay to the village. The overlay would not necessarily just apply to Bellevue, it could be applied in other villages where we have different characteristics within a single village. Once we define where the Village Overlay District will be we can define suitable protections or incentives.

Commissioner Fischer asked if that decision could be made today. Ms. Verdery said we do not have an overlay today, we do not really know, by definition, what the Village Overlay will encompass. Commissioner Fischer said the overlay trumps the general zoning and changes what can be done and they are all different, the overlay restricts more than the basic zoning. Ms. Verdery stated that it can restrict or relax the standard. Commissioner Fischer stated we have a major decision for this plan. We have been working on this for a year and a half and have not resolved this issue. Commissioner Boicourt stated there are two separate issues. One is whether what we perceive to be a protective Overlay District (undefined) will be extended or not in terms of Option A or Option B. The overlay zoning is a process that will come up again in the Chapter 190 update. There is a sense that an Overlay District might be appropriate both in Tilghman and Bellevue to preserve the character of the historic village, there is a concept there, but there is no detail. Commissioner Fischer stated they have to at some point decide what they want to do.

Mr. Salinas wanted to clarify a couple of things. What is called Bellevue Gardens is currently platted for 31 lots, but is being revised to 14 to 16 lots. What he heard from the Citizens Advisory Committee is that the original map, the rest of the peninsula has a completely different character. First and foremost they wanted to protect historic Bellevue. The community asked: Is there a way to maintain view sheds from the public streets? Is there a way to use rights of way and private streets for access to the waterfront? Those were two of the main issues for them. They acknowledged they did not want to make those homes look like the existing homes.

Commissioner Fischer understands but does not know why they did not complete the plan. Commissioner Councill does not know why they do not come out with overlay zones that are going to be different for different villages. At this point he is opposed to Option B.



Commissioner Boicourt stated it sounds like the Commission is opposed to Option B. Commissioner Spies stated he would have preferred the villages and the Plan come to the Commission with the option chosen. The Comprehensive Plans gets reviewed every six years, but this plan might not be reviewed for twenty years or more, so you have to think of the consequences of this plan in the next ten years or more. Commissioner Fischer stated it is not the Commission's role to choose a plan, it is for the citizens of Bellevue to choose. Commissioner Councell stated Option A gives the flexibility to move forward.

Ms. Verdery stated that they will be coming back to the Commission with the Tilghman Plan. Maybe they can have a meeting with the Bellevue Community, let them know the Commission's concerns, get a resolution and come back in June with a more definitive answer.

Clint Wadsworth stated he was very confused. He understood the Master Plans for the villages were the next step before development can take place. Even if the Council approves the Master Plan they have to come back with another series of zoning. For Bellevue, which has been under the same moratorium as Royal Oak for the last "thirty years". Commissioner Boicourt stated there is not a moratorium in this particular case, but we do have to get these plans in place before major things happen to the villages. That argues for expediting the 190 Zoning Ordinance. Mr. Wadsworth stated he did not think it said that the master plan and zoning had to be done, it simply said the Master Plan had to be done. Ms. Verdery said that the Comprehensive Plan says that you have to have the Master Plan. The Interim Density Bill associated with the villages says that a Chapter 190 update needs to be complete in order for the Interim Density to be lifted. Mr. Wadsworth stated that means we are still looking at another year and a half for Bellevue. It already takes ten weeks to get a permit, one month to get a use and occupancy permit, it is time to move on.

John Ripple, one of the ten owners of Bellevue Gardens stated the family has owned the property for a long time, they are getting older, the place is for sale and only one or two of the younger members of the family are interested in buying any of the property. If the County wants to micromanage the property or maintain the town he would petition the County buy the property and make it a park like they did in Oxford. There is more history, more Black history than there is with Harriet Tubman. We are not out to disrupt anyone's history, they are getting older and need to consolidate their affairs. Mr. Ripple stated his family pays over \$16,000 in taxes a year with one cottage on the property for the Bellevue property. If they want to maintain the character and serve the citizens of the village they might want to consider making it a park.

**Commissioner Sullivan moved to table the Master Plan for Bellevue for the purpose of meeting with the citizens of Bellevue to resolve the overlay options; Commissioner Fischer seconded the motion. The motion carried unanimously.**



c. Working Waterfront Master Plan for Tilghman

**Mr. Salinas respectfully asked that the Tilghman Village Master Plan be tabled.** They would like to come back in June with the final draft. There has been a significant amount of interest and a recent meeting drew new people, so they want to take their time and have it completed correctly. They want to go through and collect additional comments.

Commissioner Sullivan moved to postpone the Tilghman Island Master Plan to the next meeting; Commissioner Fischer seconded the motion. The motion carried unanimously.

Commissioner Sullivan asked if they should consider having a Commission work session on the Master Plans. He does not believe Option A or B works in the Bellevue Master Plan. There is a Historic District with a certain character, the rest of Bellevue has a different character and in the middle of this is Bellevue Gardens. Ms. Verdery said the Ripples are currently consolidating two lots. Commissioner Fischer stated the Ripples have thirty-one building rights and they plan to consolidate into fourteen. Commissioner Sullivan stated the Commission needed to look at those issues to try to get some sort of consensus. He stated they need to try to get some feedback from the community. What he is hearing is that this is taking too long and we should go ahead and act and vote on the wishes of a single person against the wishes of the community as a whole. Commissioner Boicourt suggested getting as many Commissioners as possible to attend the community meetings. Commissioner Sullivan asked if all five members could go to one of the public meetings. Ms. Verdery stated they would have to select representative members to go to the meeting or advertise it. Commissioner Boicourt stated another possibility is to make our consideration here heavily advertised so we can effectively make our consideration here a work session. Commissioner Fischer stated he could not imagine any instance where the Commission would be involved in altering a village plan. In this case he does not consider the village plan complete. Ms. Verdery asked if there were two members who would like to attend the community meeting to discuss options A and B? Commissioner Spies asked Mr. Salinas if, prior to the next meeting could be put together that lays out one option that the community favors. He stated once the Commission passes this plan and it is the directing document for this village he wants to have an option to vote on. Commissioner Sullivan was interested in more information on Bellevue Gardens and the fourteen waterfront lots they wanted to get. Ms. Verdery explained they would not all be waterfront lots. Commissioner Sullivan stated if you defined the entire area as historic you can get the fourteen lots with three feet between building and you can see the water, but he does not think that is the intent of the rest of the people who live in Bellevue. Commissioner Boicourt asked if everyone was comfortable with discussing this project at the next agenda.

Ms. Verdery showed slides of what exists today in the area of Bellevue Gardens. In Section C they are consolidating Lots 3 and 4. They are proposing to take other existing lots of record and consolidate them. Commissioner Sullivan stated that Bellevue Gardens is a separate aspect and they need to consider the number of building lots, both historic and non-historic, the number of potential building lots, and if there can be any more subdivision. Ms. Verdery stated they would do that to the best of their availability. The problem is, if you look at the tax map today you would see one large lot. But in reality we know a plat was recorded and there are thirty-one lots. Without a lot of deed research to figure out whether there are deed parcels or historic plats it would be hard to know. Commissioner Sullivan stated there appeared to be several very large lots, some with homes on them. If you take out the working waterfront area it does not look like there is too much that can be built on without subdividing. He wanted to prevent pipe stems as much as possible. We don't know what this village will be zoned when Chapter 190 is updated; will it be a village residential, a village hamlet or a village mixed use.

Commissioner Sullivan asked if Ms. Verdery stated they will go into every village and describe how we will define the villages. Once we know what is appropriate by name, we need to figure out what is appropriate by design standards because one village that has only residential characteristics could have very large lots. Another village that is strictly residential could have very small lots such as the historic village of Bellevue. Coming up with one density associated with that may be difficult and that is where we may need to do the village overlay to protect the historic character. Both of those areas may be village residential and we add the village overlay to protect the characteristic of the smaller historic lots.

Commissioner Boicourt stated it sounds like we have a way forward, get the suggested meeting times out to everyone. He stated he is comfortable with the way the Bellevue master plan is at the moment and what will be resolved at the next draft.

## **5. New Business**

- a. Minor Expansion of Nonconforming Structure (Critical Area)—Jack Meyerhoff, #NC35—8788 Marengo Farm Road, Easton, MD 21601, (map 23, grid 24, parcel 189, zoned Rural Conservation), Michael Franklin Clarke, Plan Ahead Drafting & Design, LLC, Agent.

Ms. Deflaux presented the Staff Report for the expansion of a non-conforming structure. The proposed modifications consist of expanding an existing nonconforming accessory dwelling in the Rural Conservation District. The dwelling was constructed before local adoption of the Critical Area Regulations. The current gross floor area of the dwelling, including porches and decks, is 1,659 square feet and the proposed gross floor area after renovation is 1,878 square feet, including porches and decks. The proposed project meets all setbacks but exceeds

the 1500 square foot size limit. The expansion enlarges the existing structure by 11.7%.

Michael Clarke, Plan Ahead Drafting appeared on behalf of applicant, Jack Meyerhoff. Mr. Clark explained it is time for either an upgrade or a tear down of the property. Mr. Meyerhoff would like to go ahead and remodel. There is not a lot of expansion, a widening of the breezeway connecting the buildings to get a laundry room and another small bathroom which will be accessible from an office space. He stated they will pick up the structure and put it on a proper foundation to meet the Codes. They have been through the process with Environmental Health with the primary structure and another small structure on the site. The sewage reserve area has been established for this and the cottage which sits alongside this structure.

Staff recommendations include:

1. The applicant shall make application to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction.
2. The applicant shall commence construction on the proposed improvements within eighteen (18) months from the date of the Planning Office's "Notice to Proceed".
3. The applicant will need to provide a buffer management plan to establish the buffer based on the new lot coverage for this project.

Commissioner Boicourt asked for public comments; none were made.

**Commissioner Sullivan moved to recommend to the Planning Officer to approve the Minor Expansion of Nonconforming Structure for Jack Meyerhoff, 8788 Marengo Farm Road, Easton, Maryland 21601, provided compliance with staff recommendations occurs; Commissioner Fischer seconded. The motion carried unanimously.**

- b. Minor Variance—R. S. Baker, Jr. and Margaret Christine Baker, Trustees, #MV16—7683 Tred Avon Circle, Easton, MD 21601 (map 34, grid 19, parcel 25, Lot 9, zoned Rural Residential), Christine Dayton Architects, Agent.

**Application was withdrawn by the applicant.**

- c. Site Plan—RDC Harbourtowne, LLC, #SP583—9784 Martingham Circle, St. Michaels, MD 21663 (map 15 & 23, parcel 16 & 1, zoned Rural Residential/Rural Conservation), Bill Stagg, Lane Engineering, LLC, Agent.
- (1) Hotel and Conference Campus
  - (2) Amenity Area

**Project postponed to June at request of applicant.**

558  
559 **6. Discussions Items**  
560

561 **7. Staff Matters**

562 a. Mr. Salinas stated the Historic Preservation Commission meeting is scheduled for  
563 the second Monday of every month. They are holding the next meeting at the  
564 Talbot Community Center on May 8, 2017 at 3:00 p.m. One of our consultants,  
565 AECOM, has completed surveys of historic structures in Newcomb, Royal Oak,  
566 Tilghman and Neavitt. They then looked at critical structures in the 100 year  
567 floodplain and came up with risk assessments for those structures from flood  
568 damage, and storm surges. The consultant came up with some general  
569 recommendations for hazard mitigation of those structures that maintain cultural  
570 integrity. They wanted to extend an invitation to this presentation to both the  
571 County Council and the Planning Commission. Mr. Salinas stated AECOM did a  
572 great job. Some of the buildings will be eligible for listing in the federal and state  
573 historic registry. Commissioner Boicourt stated that he would be interested in  
574 reading an electronic copy of the presentation and/or the report. Commissioner  
575 Fischer asked if the structures surveyed were private residences. Mr. Salinas  
576 stated they were. He stated once the plan is done it can be attached as an appendix  
577 to the Talbot County Hazard Mitigation Plan, which in the future could help the  
578 County obtain funding for mitigation on some of those structures. We just started  
579 a contract with Vision Planning and Consulting to do a much more in-depth risk  
580 assessment on 25-26 of those structures. Commissioner Fischer asked if the  
581 property owner loses control of their property if they take advantage of this risk  
582 mitigation. Mr. Salinas stated they would not. Commissioner Fischer stated he  
583 met with some groups who were reluctant to have their home declared Historic  
584 because they didn't want to lose control. Mr. Salinas stated there is a difference  
585 between being designated a historic structure under an overlay district which  
586 regulates any exterior construction, alteration, relocation or demolition, and being  
587 designated as an individual historic structure. When you are nominated for  
588 eligibility on the federal register all that means is that you now are eligible under  
589 certain conditions for property tax credits on any rehabilitation up to twenty  
590 percent.

591  
592 b. Ms. Verdery stated that today from 2:30 to 4:30 at the Community Center in the  
593 Chesapeake Curling Rink there will be a meeting with the Office of Permits and  
594 Inspection and the Environmental Health Department to advise agents, property  
595 owners, real estate agents, attorneys and contractors about the Building Permit  
596 process and ways to improve opportunities of securing a building permit in a  
597 more timely fashion. We are experiencing a very high level of customers coming  
598 in for after-the-fact permits. Sometimes the after-the-fact permits are for work  
599 completed prior to the customer even owning the property. The previous owner  
600 may have converted rooms to bedrooms or other living space that have not been  
601 approved. We are trying to work with owners, contractors, and real estate agents  
602 to resolve these issues prior to listing the property on the market. They need to go  
603 to the Environmental Health Department and make sure that the house was

originally approved for the number of bedrooms advertised and that the SDA can accommodate that many bedrooms. We have already received about 70 responses from people who will attend the meeting.

- c. The Economic Development Department is hosting listening sessions, the next one is on Thursday, May 4th at the Chesapeake Bay Maritime Museum. On Monday May 8<sup>th</sup> there is one on Tilghman Island. Commissioner Fischer asked what they are listening for. Ms. Verdery stated that since they have combined with Tourism, they are promoting themselves and getting the word out about the changes and services they offer as well as listening to community concerns.
- d. The County is continuing through the Board of Appeals process with Angel Enterprises, Morton Bender. The civil monetary penalties assessed were appealed to the Board of Appeals. We had a meeting last Monday evening, which will be continued on May 10<sup>th</sup> at 7:00 pm. Ms. Verdery is sure there will be additional meetings after the 10<sup>th</sup> since they have only interviewed one person so far. Mike Pullen is representing the County.
- e. Ms. Verdery stated we are moving forward with the 2020 Census. Since the Talbot County Planning Office was instrumental in coordinating the 2010 Census, Ms. Verdery was sure we will be a significant part of the 2020 Census. There is a meeting in Salisbury on May 19<sup>th</sup> at 2:00 pm to discuss the process. Commissioner Boicourt asked what type of burden that will be on the Department. Ms. Verdery said it has historically been a pretty significant amount of work to ensure everyone is contacted and counted.
- f. Ms. Verdery stated she forwarded an email from the Town of Easton's Economic Development Commission concerning a community wide meeting on Wednesday, May 10<sup>th</sup> at 6 pm in the Easton Library. She also forwarded an email about a Leadership Focus Group Breakfast on Thursday, May 11<sup>th</sup> at Heartfields at 7:30 am. She asked how many Commissioners are planning to attend. Commissioner Boicourt asked if they were limited to two Commissioners attending? Commissioner Fischer asked what was going on there. He understood that there was supposed to be a meeting of the joint Commissions. Ms. Verdery stated she had reached out to Lynn Thomas but had not heard back. The Easton Economic Development Commission has hired a consultant that focuses on affordable housing feasibility analysis and study, which is the focus of this meeting. That particular group is going to be there to share what they have done in other neighborhoods and how they would move forward to help Easton Point.
- g. Ms. Verdery stated there is a Smart Growth in Rural Communities Webinar on May 4<sup>th</sup> from 1:00 to 2:30 pm. If anyone is interested in listening, contact her and she will forward the information.
- h. The June Planning Commission meeting is scheduled for June 7<sup>th</sup>. At least two (2) members will not be available. Ms. Verdery asked if the Commission would

650 prefer to pick another date. It was discussed among the Commission members and  
651 staff and decided that if there was availability of a location the meeting would  
652 occur on **Tuesday, June 6<sup>th</sup>, 2017.**  
653

654 **8. Work Sessions**

655 **9. Commission Matters**

656 **10. Adjournment**—Commissioner Boicourt adjourned the meeting at 10:58 a.m.  
657  
658  
659  
660

N:\Planning & Zoning\Planning Commission\Minutes\2017\May\May 3, 2016 Final Decision Summary.docx